

REMARKS

Claims 1-17 remain pending in this application, with claims 1-5, 9, 13 and 17 withdrawn from consideration. Claims 6-8, 10-12 and 14-16 remain presented for consideration. Reexamination and reconsideration are respectfully requested.

Claims 6-8, 10-12 and 14-16 remain rejected under 35 USC 103(a) on Timmons (US 2004/0088190). This rejection is respectfully traversed. Timmons does not provide the teachings for which it is cited, and Timmons teaches away from the claimed invention. For at least these reasons, there is no reason why one of ordinary skill in the art would consider the claimed invention obvious in view of Timmons. Consequently, the obviousness rejection should be withdrawn.

Representative claim 6 is directed to an expense management system comprising a number of elements in combination. The claimed combination includes a business partner terminal apparatus and an expense management apparatus.

The business partner terminal apparatus sends invoice information and debit note information that is generated based on the invoice information. The expense management apparatus manages the invoice information and the debit note information sent from the business partner terminal apparatus.

The expense management apparatus includes an expense master database, a calculation means and an accuracy determination means. The expense master database stores expense master information for each business partner. The calculation means calculates debit information based on the invoice information sent from the business partner terminal apparatus and the stored expense master information of a business partner associated with the business partner terminal apparatus. The accuracy determination means compares the calculated debit information and the debit note information sent from the business partner terminal apparatus, and determines whether the debit note information sent from the business partner terminal apparatus corresponds

to the calculated debit information. Claims 10 and 14 recite a similar combination of elements.

An example of an accuracy determination process as claimed can be found in at least FIG. 15 and the corresponding text of the specification. This example demonstrates how a company can use the claimed expense management apparatus to verify debit notes that are sent to the company by business partners. Through the internal use of the claimed expense management apparatus, the company can realize efficient management of expenses while preventing information leakage.

A combination similar to the claimed combination is neither disclosed nor suggested by Timmons.

The Examiner relies on Timmons as disclosing the invention as claimed except for the business partner being associated with the business partner terminal apparatus, for which the Examiner refers to a matter of design choice. However, the portion of Timmons on which the Examiner relies as disclosing the claimed calculation means does not disclose or suggest calculating debit information which is to be compared with received debit note information as claimed. Rather, the cited portion only discloses comparing an invoice to internal records. Despite the Examiner's conclusory assertion on page 2 of the Action that the "facility obviously must have calculated something to compare with received invoice data," the mere act of comparing an invoice with internal records as disclosed by Timmons is not the same as or suggestive of calculating information that is then compared to other information as claimed.

In further support of the assertion that Timmons discloses the claimed calculating means, the Examiner states on page 5 of the Action:

Among other things, this process would involve performing calculations on various items... This calculation process would produce the calculated debit information... and would require a calculation means.

In this statement, “this process” corresponds to the process to determine if the invoice is accurate (para. 25, lines 9 and 10, accuracy determining means) according to the Examiner’s remarks.

However, according to the specification in Timmons, it is described in para. 18 that “[t]he health care facility 104 may then examine the charges listed on the invoice and compare them to their records,” and in para. 25 that “[t]he facility 700 reviews the invoice at 704, and determines at 706 whether the invoice is accurate.”

According to this description, it is clear that the facility merely compares the invoice with the record thereof and this comparison never requires any calculation. It is also noted that the data warehouse, which the Examiner equates to the claimed expense master database, is not accessed at step 706 according to Fig. 2 in Timmons.

In fact, Timmons describes in para. 25 that “[i]f a discrepancy is found, at 710 the facility 700 submits a credit memo request to a customer service portion 900 of the PCP 800.” According to this description, it is clear that the facility merely requests the credit memo when there is a discrepancy between the invoice and its record.

Timmons describes in para. 25 that “the customer service portion 900 and pharmacy portion 1000 may review the transaction for accuracy.” Therefore, the customer service portion 900 and pharmacy portion 1000 of PCP 800 handle the request of the credit memo. Even if the process of determining whether the request of the credit memo is reasonable or not did involve performing calculations on various items, such a process would be performed not by the facility but by the customer service portion 900 and pharmacy portion 1000 of PCP 800. Therefore, it cannot be properly interpreted, even under a broadest reasonable interpretation, that the facility has a calculation means as required by the claims.

A similar description can be found in para. 6 of Timmons which states that:

The health care facility may access the invoices and details of the charges via the electronic communications network, and compare the invoice to

the health care facility's records. If an error is discovered, the health care facility may send an electronic request to the central processing center for a credit memo via the electronic communications network.

(Emphasis added.) In Timmons the facility, which the Examiner equates to the claimed expense management apparatus, does not have or suggest a calculation means for calculating debit information based on the invoice information sent from the business partner terminal apparatus and the expense master information stored in the database.

Accordingly, since Timmons does not provide the teachings for which it is cited, the rejection under 35 USC 103(a) should be withdrawn.

Further, one of ordinary skill in the art would not consider the claimed invention obvious over Timmons. As explained in paras. 3 and 4 of Timmons, the PCP system was created for the specific purpose of providing a central processing center that shifted administrative burdens away from individual health care facilities and pharmacies. As explained above, Timmons discloses administrative aspects such as expense management being performed in the central PCP system, not in the individual health care facilities. Consequently, Timmons teaches away from an expense management system as claimed that a company, such as a health care facility, can use to verify debit notes that are sent to the company by business partners. Since Timmons teaches away from the claimed invention, there is no reason why one of ordinary skill in the art would consider the claimed invention obvious in view of Timmons.


Accordingly, since Timmons does not disclose or suggest all of the elements required by the claims, the rejection under 35 USC 103(a) should be withdrawn.

In light of the above, early action allowing claims 6-8, 10-12 and 14-16 is solicited.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. **116692005300**.

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Respectfully submitted,

By 

Alex Chartove

Registration No.: 31,942

MORRISON & FOERSTER LLP

1650 Tysons Blvd, Suite 400

McLean, Virginia 22102

(703) 760-7744